



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,698	02/07/2000	Reid Lee	5150-40800	9195

7590 11/20/2002

Jeffrey C Hood
Conley Rose & Tayon PC
P O Box 398
Austin, TX 78767-0398

EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/498,698

Applicant(s)

LEE, REID

Examiner

Naeem Haq

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to the applicant's amendment, paper number 3, filed on August 14, 2002. The applicant has added 44 new claims. Claims 1-88 will be considered for examination.

Final Rejection

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-88 rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (US 6,167,383) in view of Motomiya et al (US 6,083,267).

Referring to claims 1-88, Henson teaches a method and system for enabling a user to configure a customizable product in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method and system comprising:

- a processor (Figure 11, item 52; column 6, lines 8-9);
- a memory operatively coupled to said processor (Figure 11, item 58; column 6, lines 12-14);
- an input for coupling to a network, wherein the input is operable to receive a request from a user of the client system to purchase a customizable product,

wherein the customizable product includes one or more customizable components (Figure 2, items 46 and 48; column 5, lines 66-67; column 6, lines 1-4; column 4, lines 36-52), wherein the customizable product comprises two or more electronic devices (Figure 3A and 4);

- receiving a request from a user of the client system to purchase the customizable product, wherein the customizable product includes one or more customizable components (column 4, lines 36-52), wherein the customizable product comprises two or more electronic devices (Figure 3A and 4);
- providing customizable component options of the customizable components to a client system for display after receiving said request (Figures 3A, 3B, 4, and 5; column 6, lines 18-43);
- receiving customizable component selections for at least one of the one or more customizable components of the customizable product in response to user input, wherein the customizable component selections applied to the customizable product specify a customized product (Figures 3A, 3B, 4, and 5; column 6, lines 18-43).

Furthermore, Henson teaches that the customizable product is a computer system (column 4, lines 36-39), and that the customizable component selections include one or more of: display, peripheral devices, storage devices, memory size, communication type, memory type (Figure 3A, items 75-77; Figure 3B, item 70). Henson does not teach providing an image of the customized product to the client system for display, wherein the image of the customized product visually depicts the customizable

Art Unit: 3625

component selections of the user. However, Motomiya teaches displaying an image of the customized product to the client system wherein the image of the customized product visually depicts the customizable component selections of the user at their respective locations on the image of the customized product (column 5, lines 41-67; column 6, lines 1-35; Figure 6A, item 63). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Motomiya into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so in order to provide the customer of Henson's system and method of a visual display of the custom configured product.

Henson also does not teach the steps comprising:

- receiving one or more new customizable component selections for at least one of the one or more customizable components of the customized product after said providing the image of the customized product to the client system, wherein the new customizable component selections applied to the customizable product specify a new customized product;
- providing an image of the new customized product, wherein the image of the new customized product visually depicts the new customizable component selections of the user.

However, Motomiya teaches these limitations (column 5, lines 28-67; column 6, lines 1-28). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Motomiya into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so

Art Unit: 3625

in order to allow the customer of Henson's system and method to edit and revise his or her design of the customized product. Henson does not teach the limitations of claims 10-19, 26-34, 36-39, and 41. However, Motomiya teaches these limitations in a method and system for customizing a product as outlined below:

- providing an image of the customizable product to the client system for display, wherein images of at least a subset of the one or more customizable components are visually depicted proximate to their respective locations on the image of the customizable product (Figure 6A, items 62 and 63);
- receiving user input selecting an image of a first customizable component which is visually depicted proximate to its respective location on the image of the customizable product, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration (column 5, lines 41-56);
- receiving user input selecting a first customizable component option for the first customizable component, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component (column 5, lines 41-56);
- receiving user input indicating a position of a cursor of the client system proximate to the location of the image of the first customizable component visually depicted on the image of the customizable product (column 5, lines 41-56);

- providing a menu comprising the customizable component options of the first customizable component for display on the client system after said receiving user input selecting the image of the first customizable component (Figure 6A, item 61);
- providing a sequence of images corresponding to the customizable component options of the first customizable component after said receiving user input selecting the image of the first customizable component (Figure 6A, items 61, 62, and 64; column 5, lines 28-37);
- providing customizable component option images corresponding to the customizable component options of the first customizable component; receiving user input selecting a first customizable component option image corresponding to the first customizable component option (Figure 6A, items 61 and 62; column 5, lines 41-56);
- providing an image of the first customizable component option for display on the client system in response to said receiving user input selecting the first customizable component option for the first customizable component (column 5, lines 28-37);
- displaying the image of the customizable product in response to said providing the one or more customizable component options of the customizable components to the client system, wherein images of at least a subset of the one or more customizable components are visually depicted proximate to their respective locations on the image of the customizable product; wherein, for each

customizable component, the one or more customizable component options are displayed proximate to the image of the customizable component (column 5, lines 41-56).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Motomiya into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so in order to provide the customer with a more natural and easier to use design interface. Henson and Motomiya do not teach that the image of the customized product appears like the purchased product. However it would have been obvious to do so in order to show the customer all the particular details of his or her customized product. Henson and Motomiya do not teach that the customizable product is a measurement system or that the customizable component selections include one or more of: measurement card, cable, signal conditioning modules and transducer. However, Henson teaches that the customer can customize "one or more products that the customer is interested in" (column 4, lines 41-47). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the teachings of Henson and Motomiya in order to customize any product so desired. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with the ability to design any product the customer desired.

Response to Arguments

Applicant's arguments filed August 14, 2002 have been fully considered but they are not persuasive.

Referring to claims 1, 25, 35, 40, 42, 43, and 44, the applicant has argued that the individual references lack a particular limitation. In particular, the applicant has argued that Henson does not teach or suggest displaying an image of the customized product, and that Motomiya does not teach or suggest customizing a product with two or more electronic devices (see amendment page 19, lines 1-29). Please note that it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the present case, the examiner has relied on the combination of Henson and Motomiya to teach all of the claimed limitations.

Referring to claims 45-66, the applicant has argued that Henson and Motomiya do not teach the limitation "enabling a user to configure a measurement system in an e-commerce system" (see amendment page 21, lines 5-8). It is true that Henson and Motomiya do not explicitly teach this limitation. However, the test for obviousness is not based on what a reference explicitly teaches, but rather it is based on what would have been obvious to one of ordinary skill in the art at the time of the applicant's invention given the knowledge generally available. Please note that enabling a user to configure a measurement system is well known in the art. To support this point, the examiner relies on IEEE Spectrum "Test and Measurement". IEEE teaches that LabVIEW allows

Art Unit: 3625

a user to create a virtual-instrument on a computer system (page 56, second column, lines 15-51). Therefore, at the time of the applicant's invention, the knowledge generally available to one of ordinary skill in the art included Henson, Motomiya, and IEEE Spectrum.

Referring to claims 67-88, the applicant has argued that Henson does not teach the limitation "enabling a user to configure a computer system in an e-commerce system." The examiner respectfully disagrees. Henson explicitly teaches this limitation (Figure 2, item 10; Figure 3A, items 70, 75, and 77; column 2, lines 61-67; column 3, lines 1-54).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,061,057 to Knowlton et al discloses configuring a computer system over the Internet (column 17, lines 32-67; column 18, lines 1-67).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

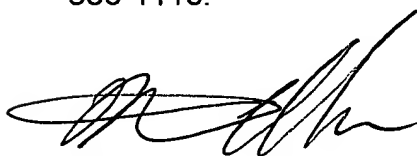
Art Unit: 3625

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703)-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-7687 for regular communications and (703)-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



Naeem Haq, Patent Examiner
Art Unit 3625



WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

November 12, 2002